



City of Seattle

**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3015691  
**Applicant Name:** Kyung Lee  
**Address of Proposal:** 1123 Martin Luther King Jr. Way

**SUMMARY OF PROPOSED ACTION**

Land Use Application to change the use of a 1,748 square foot store/apartment to restaurant.

The following approvals are required:

**Administrative Conditional Use** - To allow a change from one nonconforming use to another in a Single Family Zone (SF 5000) zone. (Seattle Municipal Code Chapter 23.44.032 and SMC 23.42.110)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

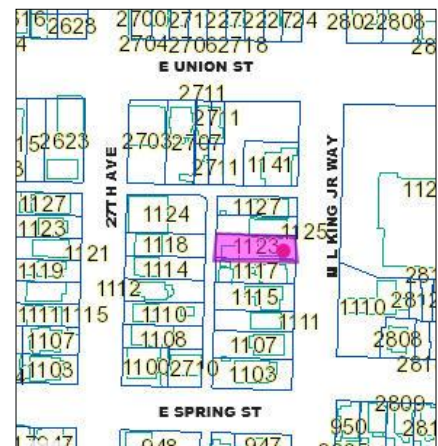
☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Description**

The subject site is located in a single family zone (SF 5000). There is a small NC2-40' (Neighborhood Commercial 2 with a 40' height limit) zone both across M L King Jr Way to the east, and two lots north of the property. There are two multifamily Lowrise zones, LR1 and LR2, nearby on E Union St, north of the site. The surrounding area is zoned Single Family 5000 (SF 5000).



### Proposal Description

The project proposal is to change the use of the building from one permitted nonconforming use, store and apartment, to another nonconforming use, a restaurant use, also known as an eating and drinking establishment in the Land Use Code. The current nonconforming use was permitted under building permit number 445079 in 1995.

### Public Comment

No comment letters were received during the official public comment period.

## **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

### **23.44.032 Certain nonconforming uses.**

Nonconforming uses which are authorized pursuant to Section [23.42.110](#) may be permitted as a conditional use.

### **23.42.110 Change from one nonconforming use to another nonconforming use**

*A nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the zone subject to the following limitations and conditions.*

- A. *In single-family and residential small lot zones, a nonconforming multifamily residential use may not be converted to any nonresidential use not otherwise permitted in the zone.*

The current use is not a multifamily residential use.

- B. *The proposed new use must be no more detrimental to properties in the zone and vicinity than the existing use. This determination shall be based on consideration of the following factors:*

1. *The zones in which both the existing use and the proposed new use are allowed;*

The store use and the restaurant use (eating and drinking establishment) are not allowed in single family zones or multifamily zone. They are both allowed outright in Neighborhood Commercial zones (NC), Commercial zones (C), Industrial, and Downtown zones.

2. *The number of employees and clients associated or expected with the proposed use;*

Between two and five employees are expected to work at the restaurant.

3. *The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses and how these impacts could be mitigated.*

Parking, traffic, light, glare, noise, odor and other impacts of the proposed restaurant and the store are expected to be very similar. The restaurant has been in operation for several years. Patrons frequent the restaurant for either take out or sit down meals and this is the proposed mode of use. No parking was ever established at this site for the grocery store. Light, glare, noise, odor and other impacts will not be increased if the change-of-use is granted.

The proposed new use is no more detrimental to properties in the zone and vicinity than the previously existing use.

- C. *The existence of a single residential unit, such as a caretaker's or proprietor's unit, accessory to a nonconforming commercial use shall not be treated as having established a residential use, and such a unit may be converted or changed provided that it is the only residential use in the structure and comprises less than half of the total floor area of the structure.*

The former permitted, nonconforming use included an apartment. This proposal does not include an apartment so the residential use will be retired with the granting of this permit. No residential use accessory to the nonconforming commercial use is proposed as part of this project.

- D. *Parking requirements for the proposed use shall be determined by the Director.*

The proposal is for a 1,748 square foot restaurant. There is an alley access at this site and room for one parking space. The project will be conditioned to provide one parking space for the owner or employee to help mitigate any parking impacts in the area.

- E. *If the new use is permitted, the Director may require mitigation measures, including but not limited to landscaping, sound barriers or fences, mounding or berming, adjustments to yards or parking standards, design modification, or limiting hours of operation.*

One parking space on site, via alley access, will be required.

#### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The conditional use application is **CONDITIONALLY APPROVED** as indicated at the end of this document.

#### **CONDITIONS - ADMINISTRATIVE CONDITIONAL USE**

##### **For the life of the project**

1. Provide one parking space for the owner or an employee on site.

Signature: (signature on file) Date: October 17, 2013  
Holly J. Godard, Land Use Planner  
Department of Planning and Development